REMARKS/ARGUMENTS

This amendment is submitted in response to the Final Office Action dated October 19, 2005. Claims 1-18 are currently pending in the present application. Claims 1, 10 and 14 have been amended. Reconsideration and allowance is respectfully requested in view of the amendments and the remarks below.

1.   The Abstract

The Examiner has objected to the abstract because it "should include that which is new in the art to which the invention pertains, and the Abstract should set forth a process for making and/or the use thereof are not obvious." The abstract has been amended by applicant's submission on December 21, 2005, which amendment was entered according to the Advisory Action dated January 5, 2006. The Applicant respectfully submits that the amended abstract meets all requirements and requests notice to that effect.

2.   Basis for the Claim Amendments

Claims 1, 10 and 14 have been amended to require that the maximum number of user sessions is maintained in the system as a variable that can be adjusted. Basis for this amendment is found on page 7, line 17 and page 5, lines 1-2 of the specification as originally filed. Generalization from a maximum number of active slots as described in the specific embodiment in the application to a maximum number of requests is disclosed to a skilled person in view of page 7, line 17 of the application as originally filed. No new matter has been added.

3.   Summary of the Personal Interview With the Examiner

On February 17, 2006, applicant's representative, Kevin J. Dunleavy, conducted a personal interview Examiner Krisna Lim to discuss the outstanding Final Rejection in the above-identified application. The rejection under 35 U.S.C. §103 was discussed in the context of claims 1-9. U.S. Patent no. 6,757,679 (Fritz) was also discussed.

During the interview, the applicant pointed out that Fritz does not teach or suggest maintaining the maximum number of requests for user sessions that can be processed in the system as a variable that can be adjusted. Rather, Fritz, discloses a hardware implementation on

a chip and thus does not allow adjustment of the number of requests for user sessions that are processed by the system. As a result, the system of Fritz, when faced with a large number of requests, may slow down due to hardware constraints, and all requests may be processed very slowly. In contrast, the present invention provides a way to adjust the number of requests for user sessions that are simultaneously processed, thereby permitting the system to be customized to take into account the availability of computer resources that can be used for processing log-on requests for user sessions.

No agreement was reached during the interview. The Examiner indicated that the presentation of this amendment might require a new search.

4. The Rejections under 35 U.S.C. §103(a)

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,757,679 to Fritz (hereinafter "Fritz"). The Applicant respectfully submits that a *prima facie* case of obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 265 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

The problem solved by the present invention as defined in claim 1 is to provide a method of controlling the creation of a user session in a multi-user computer system that takes into account different levels of resources and/or requests for user sessions, while allowing efficient use of the available resources. The problem is solved by maintaining the maximum number of log-on requests as a <u>variable which can be adjusted</u>. Thus, the maximum number of log-on requests can be adjusted to take into account the availability of computer resources for this purpose. This solution to the problem is not attainable from the teachings of Fritz.

The subject-matter of independent claim 1 differs from the teachings of Fritz in that Fritz does not disclose a method of controlling the creation of a user session, the processing of a log-on request by a user at a terminal, that the creation of the user session is halted when more than a

maximum number of log-on requests are being processed, and that the maximum number of log-on requests is maintained as a <u>variable which can be adjusted</u> in the multi-user computer system.

Instead, Fritz teaches a hardware implementation of a queue management system on a chip (See col. 2, lines 27-30 of Fritz). In the hardware implementation of Fritz, the queues consist of m queue-base units representing the m tops of queues (See col. 2, lines 44-45 of Fritz). Each queue-base unit has access to the add- and remove-input lines of the device implementing the queue management system (See col. 2, lines 61-63). The amount of hardware needed for m queues grows linearly with m (See col. 4, lines 13-15 of Fritz). Thus, m is not maintained as a variable which can be adjusted, but rather is a constant determined by the amount of hardware resources that included on the chip of Fritz. Thus, the system of Fritz cannot be adjusted to change the maximum number of requests should there be a change in user demand for the computer resources.

The Examiner has not demonstrated that the feature of maintaining a maximum number of log-on requests as a <u>variable which can be adjusted</u> is either disclosed by, or obviously derivable from, Fritz or the common general knowledge in the field. Fritz teaches an implementation of a queue system in hardware. Since the implementation of Fritz is a hardware implementation, none of the numbers n (the maximum number of possible requests), p (the number of requesters), and o (the maximum number of outstanding requests per requester at a given time) are variables. In fact, each of these numbers are constants, determined by the hardware used to implement the system of Fritz.

If one assumes that a "requester" as known from Fritz can correspond to a log-on request (as the Examiner has done in section 4 of the Final Office Action: "that his requester is a log-on request from a user at a terminal"), then one would still not arrive at a method according to claim 1 of the present application. Fritz discloses that there is a maximum of p requesters, but Fritz does not disclose that the maximum number of p requestors may be maintained as a variable, or that the number of p requestors can be adjusted. Rather, Fritz discloses a hardware implementation capable of handling only a fixed number "p" of requesters. Therefore even if one were to accept that the requester taught by Fritz corresponded to a log-on request by a user in a multi-user computer system, Fritz still would not provide a teaching or suggestion of halting a user session when more than a maximum number, maintained as a <u>variable that can be adjusted</u> in the multi-user computer system, of log-on requests, are being processed simultaneously.

Additionally, **applicant** respectfully submits that the Official Action does not set forth a *prima facie* case of obviousness in support of the rejection under 35 U.S.C. § 103(a). According to M.P.E.P. § 2143,

> To establish a *prima facie* case of obviousness, three basic criteria must be met. **First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.** Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
>
> The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. [*emphasis added, Citation omitted.*]

The Examiner has relied on a combination of Fritz and common general knowledge to support the present rejection. However, there must be a (1) a suggestion, motivation or teaching that would lead the skilled person to make the combination. The Examiner has not met his burden of providing either of this requirement of an obviousness rejection. Thus, the rejection over Fritz in view of common general knowledge, should be withdrawn.

More specifically, the present invention relates to the field of operating systems, or utility programs for use with operating systems, intended for multi-user computer systems. Fritz, on the other hand, relates to an electronic queue management system for implementation on a chip (See col. 1, lines 44-45 of Fritz) in a resource-effective way (See col. 1, lines 36-39 of Fritz). The queue management system of Fritz is said to have a resource effective implementation, not the resources managed by the queue, which are the focus of the present invention. Thus, Fritz does not provide any teaching as to how to address the problem addressed by the present invention, namely, to allow a limited set of computer resources to efficiently host multiple user sessions on a multi-user computer system. Thus, the entire purpose of the present invention is different from Fritz and the skilled person would not even consider the teachings of Fritz when faced with the problem solved by the present invention.

Apart from failing to demonstrate that an analogous application of the method according to Fritz could result in the present invention, the Final Office Action does not demonstrate in any

way that Fritz offers a motivation, suggestion or incentive to adopt the electronic queues taught therein in a method of controlling the creation of a user session. Because Fritz teaches a hardware implementation of a queue system for implementation on a chip (see abstract), the skilled person setting out to make the invention that is the subject of the present application would not even look to Fritz for guidance as to how to regulate the number of user sessions based on a maximum number of sessions maintained as a <u>variable that can be adjusted</u>. This is simply because a hardware implementation necessarily results in a fixed maximum number, as determined by the capacity of the hardware, and not a variable maximum number, as claimed.
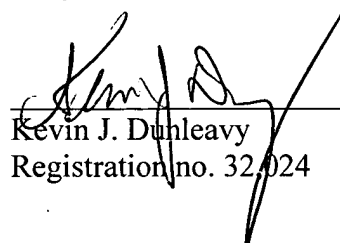
With respect to the subject matter of independent claims 10 and 14, these claims define a multi-user computer system and computer program for controlling the creation of a user session in a multi-user computer system in terms of features corresponding to those set forth in method claim 1. Consequently, the same arguments and reasoning apply to claims 10 and 14 as are given for claim 1 above.

For the above reasons, it is submitted that a *prima facie* case for obviousness has not been established since the limitations of the independent claims are not taught or suggested by Fritz. It is therefore submitted that claims 1-18 are in condition for allowance.

3. Conclusion

Reconsideration and allowance is respectfully requested in view of the remarks made above.

Respectfully submitted,

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